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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/697,775	10/26/2000	Paul G. Milazzo	WMI-004CN4 (8415/5)	5306

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EXAMINER

KOENIG, ANDREW Y

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 12/19/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/697,775

Applicant(s)

MILAZZO ET AL.

Examiner

Andrew Y Koenig

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 52-79 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 52-79 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Double Patenting

1. Claim 1 of this application conflict^s with claim 1 of Application No. 09/694,079. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.

Claim Objections

2. Claims 56, 63, and 77 are objected to because of the following informalities:

Claim 56 recites the limitation "said first annotation data structure element" and "said second annotation data structure element" in lines 1 and 2. There is insufficient antecedent basis for this limitation in the claim. It appears that claim 56 should depend from claim 52. The examiner will treat claim 56 as depending from claim 52 for the rest of this office action.

Claims 63 and 77 recite the limitation "said first and second identifiers" and "said second annotation data structure element" in lines 1. There is insufficient antecedent basis for this limitation in the claim. It appears that claim 62 could depend from claim 58. The examiner will treat claim 63 as depending from claim 58 for the rest of this office action.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 52-79 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims do not recite any limitations directed to a structure other than a system with a data structure. Further, the examiner notes that the data structure is a non-functional descriptive material.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 52, 53, 55, 56, 64-67, 69, 70, 78, and 79 are rejected under 35

U.S.C. 102(e) as being anticipated by U.S. Patent 6,615,408 to Kaiser et al.

Regarding claims 52 and 66, Kaiser teaches placement zones (as shown in figure 2), which has a reference to an object in the video frame (Abstract), which equates to a first annotation data structure element that includes and object reference to

an object in the video frame. Kaiser teaches a trigger zone which contains a Uniform Resource Identifier (URI), which equates to a second annotation data structure element referenced by the first identifier and including a set of data references. Further, Kaiser discloses that the image area (described using a placement zone) is referenced by some form of an identifier in order to link actions to the image (col. 10, ll. 1-8).

Regarding claims 53 and 67, Kaiser teaches placing the placement zones in the video stream (fig. 2), which reads on a timing data indicator associated with the at least one of said plurality of data structure elements.

Regarding claims 55 and 69, Kaiser teaches placing the placement zones in the video stream (fig. 2), which indicates an activation time.

Regarding claims 56 and 70, Kaiser teaches the placement zones associated with a set of video frames (fig. 2, col. 6, ll. 18-33), further the trigger is associated with the placement zones and consequently is associated with the video program, given the broadest reasonable interpretation of associated.

Regarding claims 64 and 78, Kaiser teaches location and shape information, which equates to a fifth data structure element (fig. 6B, col. 6, ll. 20-41).

Regarding claims 65 and 79, Kaiser teaches that the fifth data structure is associated with a video frame (see fig. 2).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,774,664 to Hidary et al.

Regarding claim 1, Hidary teaches a content creation device (fig. 1, label 4) which clearly has a video source and produces a transport stream, which is inherent to MPEG-2 (col. 4, ll. 36-39). After the video program is created, Hidary teaches an annotation source, such as Uniform Resource Locators (URLs) (col. 4, ll. 40-47). Whereas Hidary teaches inserting the URL into the vertical blanking Interval (VBI) of a signal, Hidary clearly teaches MPEG-2 transmissions, which do not have a VBI. Hidary does not explicitly teach a multiplexer. Official Notice is taken that multiplexers are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hidary by using a multiplexer in order to transmit the URL as a data packet within the transport stream thereby efficiently sending information within a given channel. The embedded URL contains timing information in order to present the URLs at the appropriate time (col. 5, ll. 21 – 33, col. 7, ll. 31-33), which reads on synchronizing the annotation data with the video signal.

8. Claims 57, 58, 61-63, 71, 72, and 75-77 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,615,408 to Kaiser et al.

Regarding claims 57 and 71, Kaiser is silent on the elements being transmitted separately. Official Notice is taken separately sending data in MPEG is well known in

the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kaiser by sending the elements separately in order to send data that is larger than the data packets thereby using the existing infrastructure to transmit packets.

Regarding claims 58 and 72, Kaiser teaches a trigger which is used to display the action being performed fig. 6A-6b, which reads on the first set of annotation references including a data field. However, Kaiser is silent on a second identifier referencing a third annotation data structure element. Official Notice is taken that the use of pointers is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kaiser to implement a pointers (which reads on a reference) in order to access another portion of a data structure thereby providing a system that efficiently manages variable length data structures and increasing the robustness of the system.

Regarding claims 61, 62, 75, and 76, Kaiser is silent on a variable parameter field and a variable value. Official Notice is taken that a variable parameter field and variable values are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kaiser by using a variable parameter field and variable values in order to efficiently manage the memory by dynamically referencing and allocating the memory.

Regarding claims 63 and 77, Kaiser is silent on never duplicating the first and second identifiers. Official Notice is taken that never duplicating identifiers is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the

art at the time the invention was made to modify Kaiser by never duplicating identifiers in order to appropriately reference the appropriate information thereby eliminating access to the incorrect data structure.

9. Claims 59 and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,615,408 to Kaiser et al. in view of U.S. Patent 5,889,746 to Moriyama et al.

Regarding claims 59 and 73, Kaiser is silent on the annotation data field is a title data field and the third data structure element is a string including the title of the object. Moriyama teaches a pointer to a text string wherein the text string can be the title (col. 15-16, ll. 65-31; see also fig. 9). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kaiser by pointing to a string including the title as taught by Moriyama in order to efficiently manage variable length fields and manage the memory of the system.

10. Claims 54 and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,615,408 to Kaiser et al. in view of U.S. Patent 6,415,438 to Blackketter et al.

Regarding claims 54 and 68, Kaiser is silent on indicating an expiration time. Blackketter teaches expiring triggers (col. 3, ll. 13-22, col. 10, ll. 24-35). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was

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made to modify Kaiser by indicating an expiration time in order to ignore invalid triggers (Blackketter: col. 10, ll. 24-35).

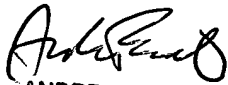
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Y Koenig whose telephone number is (703) 306-0399. The examiner can normally be reached on M-Th (7:30 - 6:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

ayk


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